

FEDERAL PUBLIC DEFENDER

NORTHERN DISTRICT OF CALIFORNIA
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BARRY J. PORTMAN
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July 20, 2007

VIA FACSIMILE (510) 637-3545
Magistrate Judge Wayne D. Brazil
1301 Clay Street, Courtroom No. 4
Oakland, CA 94612
attn: Ivy Garcia

United States v. David Shivers, CR 07-00346 SBA (WDB)

RE: Request to calendar case for 7/23/07 for requested modification to terms of release

Dear Judge Brazil :

I am asking that this case be calendared on Monday, July 23, 2007, at 10:00 a.m. to ask that Mr. Shivers' conditions of release be modified to allow him to leave the half-way house on July 23, 2007, after court and return to the half-way house on July 23, 2007, at 7:00 p.m., so that he can spend the afternoon at the residence of his significant other, Machita Williams, 6309 Baker Street, Apartment No. 1, Oakland, California, to celebrate the 15th birthday of his daughter, Davisha. Mr. Shivers previously was allowed to leave the half-way house to celebrate the birthday of his 11 year old, Otis with no problems. Davisha's birthday is on July 23, 2007.

United States Pretrial Services Officer Victoria Gibson has been notified and has no objection to this request. SAUSA Derek Butts objects to the request but is available should the Court calendar the matter for Monday, July 23, 2007.

Sincerely,

BARRY J. PORTMAN
Federal Public Defender

/s/
JOYCE LEAVITT
Assistant Federal Public Defender

cc: Derek Butts, SAUSA (fax no. (510) 620-6809)
Victoria Gibson, US Pretrial Services